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Paper No. 7

KATTEN MUCHIN ZAVIS ROSENMAN
575 MADISON AVENUE
NEW YORK NY 10022-2585

In re Application of :
Satoshi Kimura :
Application No. 09/547,496 : DECISION ON PETITION
Filed: April 12, 2000 :
Attorney Docket No. 3002/FLK :
(032878-87674) :

This is a decision on the petition under 37 CFR 1.137(b), filed March 14, 2005, to revive the above-identified application. The application file was recently forwarded to the Office of Petitions for a decision on the petition. The Office apologizes for any inconvenience caused to petitioner.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

This application became abandoned for failure to reply timely to the nonfinal Office action mailed June 6, 2001, which set a three-month shortened statutory period to respond. Petitioner did not obtain any extensions of time for response. Accordingly, this application became abandoned on September 7, 2001. A Notice of Abandonment was mailed on January 15, 2002.

The provisions of 37 CFR 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must include payment of the issue fee or any outstanding balance. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) The petition fee as set forth in 37 CFR 1.17(m);

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The present petition does not satisfy requirement (1) above.

This application became abandoned for failure to file a reply to the nonfinal Office action of June 6, 2001, within the period set for response. The proposed reply required for consideration of a petition to revive must be an amendment, request for reconsideration or the filing of a continuing application. A review of the official file does not show that any response was filed previously, or with the present petition to revive. A copy of the nonfinal Office action of June 6, 2001, accompanies the decision for petitioner's convenience.

Additionally, petitioner indicated that he submitted a request for change in correspondence address and an appointment of sub-power of attorney, as well as a request that the application be associated with Customer Number 26304. Unfortunately, these documents were not located in the application file. The Office requests that petitioner submit these documents with any renewed petition. Nevertheless, the Office reflected in this decision the change in name of the law firm from Rosenman & Colin LLP to Katten Muchin

Zavis Rosenman, as requested. However, the Office notes that the name of the law firm associated with Customer Number 26304 is Katten Muchin Rosenman LLP, not Katten Muchin Zavis Rosenman.

Further correspondence with respect to this matter should be addressed as follows and **to the attention of Senior Petitions Attorney Christina Tartera Donnell**:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Nonfinal Office action dated 06/06/01 (7 Pages)